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INTERVENTION

#2 10.31.07 1030

Via Overnight Mail

July 30, 2007

The Honorable Charles L. A. Terreni
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: Docket No. 2007-229-E

Dear Mr. Terreni:

Please find enclosed the original and ten (10) copies of the PETITION TO INTERVENE OF THE KROGER CO. in the above-referenced matter.

By copy of this letter, all parties of record have been served. Please place this document of file.

Very Truly Yours,



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.

BOEHM, KURTZ & LOWRY

MLKkew
Attachments

OK D. Duke
OK D. Duke

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by regular U.S. mail (unless otherwise noted), this 30th day of July, 2007 to the following:

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2007 JUL 31 AM 9:21
SC REGISTRY

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A handwritten signature in black ink, appearing to read "K Boehm". The signature is written in a cursive, flowing style. It is positioned above a horizontal line.

Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.

BEFORE
THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
Docket No. 2007-229-E

RECEIVED
2007 JUN 21 AM 8:21
SOUTH CAROLINA
PUBLIC SERVICE COMMISSION

IN RE:	:	
Application of South Carolina Electric And Gas Company for Adjustments and Increases in the Company's Electric Rate Schedules and Tariff	:	
	:	PETITION TO INTERVENE OF THE KROGER CO.

PETITION TO INTERVENE OF KROGER CO.

The Kroger Co. ("Petitioner") hereby petitions the Public Service Commission of South Carolina ("Commission") for leave to intervene and participate in the proceeding concerning the application of the South Carolina Electric and Gas Company ("Applicant"). In support of its Petition it states as follows:

1. Name and Addresses of Petitioner:

The Kroger Co.
Attn: Corporate Energy Manager (G09)
1014 Vine Street
Cincinnati, Ohio 45202

2. Name and Address of Attorneys Representing Petitioner:

Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
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Mr. Kurtz is an out-of-state attorney licensed in Ohio, Pennsylvania, Michigan and Kentucky; and Mr. Boehm is an out-of-state attorney licensed to practice in Ohio and Kentucky. Kroger will retain local counsel in accordance with Rule 103-804T(1)(b) prior to the hearing.

3. Identify the Petitioner:

Petitioner is a retail electric customer of the South Carolina Electric and Gas Company (the "Company"). Petitioner has numerous grocery stores and other facilities that purchase their electric supply from the Company.

4. Petitioner's Interest in this Proceeding:

Kroger is a corporation engaged in the business of selling groceries at retail throughout the United States. One of the largest retail food companies in the United States, Kroger operates numerous grocery stores in the state of South Carolina that purchase their electric supply from the Company. These stores purchase millions of kWh of electricity from the Company annually. Petitioner is one of the largest commercial customers served by the Company. The grocery stores operated by Kroger are high load factor facilities that use energy for food storage, lighting, heating, cooling and distribution, often on a 24 hour a day, 7 day a week basis. If the Company's application is granted, then the cost for electric power service to Petitioner could be substantially impacted. Accordingly, Petitioner has a substantial and vital interest in the outcome of this proceeding which cannot be adequately represented by any other party.

5. Issues To Be Raised:

The primary issue the Petitioner intends to address in this case will be whether the rate increase sought by the Applicant is reasonable and cost justified. We also intend to address whether the proposed allocation of the rate increase and the design of the new rates are just and reasonable.

WHEREFORE, for the reasons set forth above, Petitioner requests that this Petition to Intervene be granted.

DATED this 30th day of July, 2007



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

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